

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 145
PERMANENT SUPPORTIVE HOUSING & BRIDGE SUBSIDY MODEL
FOR PERSONS WITH MENTAL ILLNESSES

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SUBPART A: GENERAL PROVISIONS

Section 145.20 Definitions

Adult – An individual who is 18 years of age or older or a person who is emancipated pursuant to the Emancipation of Mature Minors Act [750 ILCS 30].

Agency – The local DHS or State contracted Service Provider. An "Agency" may also be referred to as "Provider."

Annual Income Re-examination Review – The annual review of the tenant's annual income to determine continued eligibility for rent payments under the PSH models. The annual re-examination is completed to determine the Housing Assistance Payment Contract by calculating applicant's rent share/30% of income toward their rent.

Area Median Income or AMI – The federal Department of Housing and Urban Development's (HUD) calculation of income limits for eligibility in a variety of housing programs.

Bridge Subsidy – Payment by DHS-DMH of a portion of the rent for a PSH unit through the Bridge Subsidy model of PSH until the tenant is able to secure a permanent housing subsidy through a local, State or federal program.

Case Management Services – Assessment, planning, coordination and advocacy services for clients who need multiple services and require assistance in gaining access to and in using mental health, social, vocational, educational, housing, public income entitlements and other community services to assist the client in the community. Case management activities may also include identifying and

investigating available resources, explaining options to the client and linking the client with necessary resources.

Code – The Mental Health and Developmental Disabilities Code [405 ILCS 5].

Care Manager – A staff member of a DHS contracted CMHC or other state contracted Service Provider that is assigned to monitor and/or provide support services to a tenant residing in a DHS-DMH Permanent Supportive Housing and/or Bridge Subsidized unit.

Certified Comprehensive Community Mental Health Center or CMHC – An entity that meets the requirements of 59 Ill. Adm. Code 132 Subparts C and D and has been certified by a Certifying State Agency. Any entity certified as a CMHC under 59 Ill. Adm. Code 132 shall be designated as an Essential Community Behavioral Health Center by the Division of Mental Health.

Community Vendor – A DHS contracted entity.

Confidentiality Act – The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

Consumer – An adult with a diagnosis of mental illness as defined in 59 Ill. Adm. Code 132 and/or other disability contributing to eligibility for long-term care. For the purpose of this Part, all consumers who are living in a unit supported in whole or in part with DHS-DMH funding may also be referenced as "tenants".

DCFS or Illinois Department of Children and Family Services – The State child welfare agency responsible for: protecting children who are reported to be abused or neglected and to increase their families' capacity to safely care for them; providing for the well-being of children in care; providing appropriate, permanent families as quickly as possible for those children who cannot safely return home; supporting early intervention and child abuse prevention activities and working in partnerships with communities to fulfill this mission.

Department or IDHS or DHS or The Illinois Department of Human Services – The State agency responsible for providing a wide variety of safety net services to Illinois residents in poverty who are facing other economic challenges or who have any of a variety of disabilities or health challenges.

DHS-DMH or DMH or The Illinois Department of Human Services-Division of Mental Health – A program division of DHS that, as the State Mental Health Authority pursuant to Department of Human Services (Mental Health and Developmental Disabilities) Law [20 ILCS 1710], is responsible for assuring that

children, adolescents and adults throughout Illinois have the availability of and access to public-funded mental health services.

Employee – Any person who provides direct services or supports to a tenant of Permanent Supportive Housing at the direction of a DHS contracted vendor. This includes staff on the agency payroll, contractors, interns and volunteers, regardless of number of hours or schedules worked or volunteered.

Engagement Services – Home-based or community-based visits that assist the individual with maintaining their housing, and providing other wrap-around support, including linkage to mental health or substance use recovery support services. Such engagement services shall align with Medicaid-covered tenancy support services, and Medicaid community-based mental health and substance use treatment services, including case management, to ensure alignment with any existing or future Illinois Medicaid benefits, waivers or State plan amendments that include these services, and to maximize any potential federal Medicaid matching dollars that may be available to support engagement services [405 ILCS 125/3]

Fair Market Rent or FMR – Maximum rental amounts payable in specific geographical areas established by HUD.

Family Support Program (FSP) – Formerly known as the Individual Care Grant program, this program of the Illinois Department of Healthcare and Family Services (HFS) provides access to intensive mental health services and supports to youth with a severe emotional disturbance. The goal of the FSP is to support eligible youth and their families by strengthening family stability, improving clinical outcomes, and promoting community-based services.

HIPAA – The Health Insurance Portability and Accountability Act (42 U.S.C. 1320 et seq.) (45 CFR 160 and 164 (2013)).

Homeless – An individual or family meeting the definition used by the U.S. Department of Health and Human Services, Health Resources and Services Administration in Section 330(h)(5)(A) of the Public Health Services Act (42 U.S.C. 254(b)). A homeless individual under this definition is an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations, and an individual who is a resident in transitional housing. This includes individuals who are doubled up with other households [405 ILCS 125/3]~~that meets the definition of homeless as defined by HUD (24 CFR 583).~~

Housing Assistance Payment Contract or HAP Contract – A contract executed between the Subsidy Administration or PSH Provider and the leasing agent (landlord or property management entity).

Housing Dwelling – A house rented according to the same Fair Market Rate as an apartment located in the same geographical area. This type of PSH is applicable in rural areas.

Housing Quality Standards or HQS – HUD's specifications and guidance that outline inspection standards for all PSH units that fall under this Part.

HUD – The U.S. Department of Housing and Urban Development.

Individual at High Risk of Overdose – A person with a substance use disorder who is homeless (or will be homeless upon hospital discharge or correctional facility release) who has:

had three or more hospital inpatient or inpatient withdrawal management or community-based withdrawal management stays for a substance use disorder within the most recent 12-month period;

had three or more stays in a State or county correctional facility in the State of Illinois within the most recent 12-month period; or

been incarcerated in a State or county correctional facility in Illinois for the most recent 12 consecutive months; or

had one or more drug overdoses in the last 12 months [405 ILCS 125/3].

Individual at High Risk of Unnecessary Institutionalization – A person who has a serious mental illness who is homeless (or will be homeless upon hospital discharge or correctional facility release) and who has:

had three or more psychiatric inpatient hospital admissions within the most recent 12-month period;

had three or more stays in a State or county correctional facility in the State of Illinois within the most recent 12-month period; or

been incarcerated in a State or county correctional facility in Illinois for the most recent 12 consecutive months; or

had a disability determination due to a serious mental illness and has been incarcerated in a State or county correctional facility in Illinois within the most recent 12 consecutive months [405 ILCS 125/3].

Landlord Property Management Entity – The owner of one or more units/apartments receiving or approved to receive rental payments from DHS-DMH, inclusive of private market and not-for-profit housing providers.

Long Term Care Facility or LTC Facility – A facility designated as a nursing home under the Nursing Home Care Act [210 ILCS 45].

Open Round – The point in time when DHS-DMH allows applications to be submitted for consideration of a Bridge Subsidy, excluding a court order, lawsuit or settlement.

Permanent Supportive Housing or PSH – A self-contained (inclusive of kitchen and bathroom facilities) unit that is decent, safe and affordable community-based housing. The tenant has rights of privacy and access; holds a lease, sublease, or occupancy agreement; and has full rights of tenancy under State and local landlord and tenant laws. Any services or supports received are voluntary, flexible and designed to meet the tenants' needs and preferences.

Provider – The local DHS or State contracted Service Provider. A Provider may also be referred to as "Agency."

PSH Provider – The DHS-DMH contracted entities responsible for conducting income verifications, unit inspections, development of HAP contracts or other agreements with landlords, and ongoing rental payments in accordance with Section 145.70 through a model of PSH other than the Bridge Subsidy model.

Rental Assistance – The DHS-DMH subsidized rental amount paid to a landlord for a unit occupied and leased by a tenant eligible and approved for a DHS-DMH Bridge Subsidy or PSH program utilizing a similar model of housing assistance.

Rental Payments – Any payments made to a landlord in accordance with a lease agreement for a housing unit in which an individual or family receiving services from a Provider is residing, whether the executed lease is between the landlord and the Provider (leasing) or between the landlord and the tenant (rental assistance).

Service Provider – An entity contracted by DHS or the State to provide publicly-funded support services to residents of Permanent Supportive Housing.

Serious Mental Illness – Meeting both the diagnostic and functioning criteria consistent with the definition of Serious Mental Illness in the most current edition of the Illinois Department of Human Services/Division of Mental Health Community Mental Health Provider Manual [405 ILCS 125/3].

Site – Any building, under one continuous roof, in which a tenant receiving DHS-DMH Bridge rental assistance lives. This includes houses, apartment buildings, duplexes and other living arrangements owned, leased or managed by a rental agent, management company, property owner, landlord or development entity.

Subsidy Administrator or Subsidy Administration or SA – The DHS-DMH contracted entities responsible for conducting income verifications, unit inspections, development of HAP contracts with the landlord, and ongoing subsidized rental payments in accordance with Section 145.70 through the Bridge Subsidy model.

Substance Use Disorder – As defined in Section 1-10 of the Substance Use Disorder Act [20 ILCS 301].

Tenant – For the purpose of this Part, the words "tenant" and "consumer" are interchangeable. The tenant must be a consumer of a DHS or State contracted Service Provider and be in one of the priority populations defined in Section 145.110(g).

Transition Assistance Funds or TAF – A one-time allocation, as determined by DHS-DMH, for the specific purpose of paying security deposits and utility connections (but not for arrearages) and to assist the tenant in purchasing basic allowable household needs. Transition Assistance Funds used for the purchase of obtaining allowable household goods are handled by the Care Manager (see Section 145.200).

Unit – A rental apartment (efficiency, studio, one bedroom or multiple bedroom apartments) or housing dwelling that receives DHS-DMH funded rental payments. Housing intended as transitional or temporary housing does not qualify as a PSH Bridge unit.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 145.50 Permanent Supportive Housing Models

All PSH models will utilize Scattered Sites (as described below). The DMH PSH Bridge Subsidy model provides rental payments for all of the following:

a) Scattered Sites

Dwellings that exist in the private and public rental market for which the tenant holds the lease and rental payment agreements are made directly with the property owner. Units are not concentrated in any one building. Living arrangements in scattered-site housing include:

- 1) Single room occupancy (SRO) or studio/efficiency apartments that have self-contained kitchens and bathrooms;
- 2) One-bedroom apartments;
- 3) Two-bedroom or larger shared apartments as needed to accommodate larger households, live-in ~~aides~~^{aids}, or storage of necessary medical equipment (with no more than two unrelated consumers per unit under an arrangement agreed to by both consumers); or
- 4) Single family homes.

b) Project Based Developments

Multifamily dwellings that were developed and financed as a project for the purpose of providing supportive or affordable housing. The tenant holds the lease and rental assistance agreements are made directly with the landlord or property owner. If the project development receives public financing, in addition to funding from DHS-DMH, the funding regulations and tenant selection plans of the public funding entity (e.g., HUD) supersedes this Part. Living arrangements in project-based developments include:

- 1) SRO or studio/efficiency apartments that have a self-contained kitchen and bathroom; or
- 2) One-bedroom apartments or two-person two-bedroom shared apartments.

c) Master Leasing

Master leasing is a flexible resource that creates a variety of housing options in terms of housing type, density and location. This model is based on mutually beneficial relationships with private landlords or property management entities for which long-term agreements are made with guaranteed payment in exchange for discounted rental rates. The master leasing approach shall be focused primarily on existing rental housing to secure a targeted number of rental units as outlined in Section 145.210. DHS-DMH will utilize the SA entity to conduct all activities in accordance with Section 145.70.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART B: REQUIREMENTS FOR PERMANENT SUPPORTIVE HOUSING

Section 114.115 Eligibility Criteria for the Housing is Recovery Pilot Program Model

Individuals eligible for the Housing is Recovery Pilot Program model shall:

a) Meet one of the following criteria:

1) An individual at high risk of unnecessary institutionalization who is 18 years of age or older or is aging out of guardianship under DCFS, and who is eligible to enroll in, or is enrolled in, Medicaid for the purposes of receiving mental health treatment pursuant to 89 Ill. Adm. Code 140.

2) An individual at high risk of overdose who is 18 years of age or older or is aging out of guardianship under DCFS, and who is eligible to enroll in, or is enrolled in, Medicaid for the purposes of receiving substance use treatment.

b) Have a current household income at or below 30% of Area Median Income (AMI) as defined by HUD;

c) Be on a current Public Housing Authority waiting list for a Housing Choice Voucher (HCV) or agree to register or apply for an HCV or comparable permanent rental subsidy when registration or application opportunity becomes available;

d) Be placed on, or agree to register for, or apply to be placed on the Illinois Housing Development Authority's Statewide Referral Network; and

e) Currently not be receiving rental assistance under a local, State, or federal housing program.

(Source: Added at 47 Ill. Reg. _____, effective _____)

Section 145.130 Tenant Income and Documentation

Income is any money earned or benefits payment received by the tenant. Adjusted gross income is the amount of income earned after any deductions are made. A tenant rent payment amount shall be calculated based on adjusted gross income over the most recent three-month period.

a) Income that is to be considered when calculating a tenant's household gross income includes:

- 1) Social Security Supplemental Income;
- 2) Social Security Disability Income;
- 3) Earned income;
- 4) Self-employment/business income;
- 5) Interest and dividend income or income from other assets or family sources;
- 6) Pension/retirement income;
- 7) Unemployment income;
- 8) Temporary Assistance for Needy Families (TANF); and
- 9) Armed Forces income.

b) Income that shall not be considered when calculating tenant's household gross income includes:

- 1) Medical expense reimbursements;
- 2) Deferred and lump sum Social Security and SSI payments;
- 3) Self-Sufficiency Program income;
- 4) Student financial aid;
- 5) Special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- 6) Income of full-time students;
- 7) Income tax and property tax refunds;
- 8) Stipends or allowances to persons with disabilities for basic needs and expenses associated with integrated and independent living situations or as

incentives for participation in vocational service programs that are funded by a government entity; and

9) Other temporary, nonrecurring or sporadic income.

c) The household must provide the SA or PSH Provider with written documentation of the specific sources of income included in the gross income calculation.

d) The SA or PSH Provider shall gather, maintain and determine the validity of the documentation provided and used to calculate the tenant's rental contribution.

e) If a tenant does not have income due to a psychiatric or other disability, the tenant shall be offered the opportunity for assistance with filing a Supplemental Security Income (SSI)/Social Security Disability Income (SSDI) Outreach, Access, and Recovery (SOAR) application by the PSH Provider or another DMH-contracted provider. A tenant is not required to apply for a disability determination.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 145.200 Transition Assistance Funds Provided Under PSH/Bridge Subsidy Model and Housing is Recovery Pilot Program Model

a) DMH may provide one-time Transition Assistance Funds (TAF), identified as a set amount to be used solely for the purpose of assisting individuals who are in the process of moving into a PSH unit that has a secured lease. These funds are to provide basic move-in expenses, obtain basic household items, pre-approved by DMH, in addition to the payment of security deposit and utility connection fees, excluding arrearages.

b) TAF are processed by the designated DHS-DMH contracted Service Provider and released to the Care Manager upon receipt of supporting documentation approved by the respective DMH program staff~~Region Office~~. TAF are restricted in use, only available to DHS-DMH contacted Service Providers as specified in their contacts, and may only be applied for the purpose of assisting the tenant in transitioning and moving into a PSH unit. Responsibility for appropriate expenditure of TAF rests with the DHS-DMH contracted Service Provider. The tenant, family members and guardians shall have no access to these funds.

c) TAF shall be accessed and approved through an established DMH process. TAF cannot be used to pay arrearages.

d) TAF may be utilized for items including, but not limited to:

- 1) Security deposits;
- 2) Unit application fees;
- 3) Utility activation deposits;
- 4) Furniture;
- 5) Bedding;
- 6) Small appliances; and
- 7) Cleaning equipment and supplies.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 145.240 Temporary Tenant Absences

- a) For tenants in PSH programs other than the Housing is Recovery Pilot Program:
 - 1) A tenant shall continue to maintain eligibility for PSH during brief absences lasting no longer than 90 days.
 - 2b) Tenants shall continue to maintain eligibility for PSH up to 90 days in cases of required psychiatric or medical hospitalization or temporary absences from the unit, as reviewed and approved by DMH.
 - 3e) Extensions beyond 90 days may be granted by DMH when there is a demonstrated likelihood that the tenant will return to the unit within an additional 30-day period.
- b) For tenants in the Housing is Recovery Pilot Program:
 - 1) A tenant shall continue to maintain eligibility for the subsidy during brief absences lasting no longer than six consecutive months.
 - 2) During a stay in a LTC Facility, Institution for Mental Disease (IMD), Specialized Mental Health Rehabilitation Facility (SMHRF), residential substance use disorder treatment program, or correctional facility of less than six months, the program will continue to pay the subsidized portion of the rent.

- 3) A subsidy does not terminate if the subsidy holder is required to move multiple times due to landlord eviction or does not engage in treatment. Termination shall occur only as outlined in Section 145.250.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 145.250 Program Terminations and Appeals

- a) A tenant may be terminated from PSH, after all attempts at tenant participation and mitigation have failed, under any one or more of the following circumstances, unless a reasonable modification of this policy is necessary to prevent the exclusion or denial of benefits of the program and service on the basis of disability pursuant to Title II of the Americans with Disabilities Act (42 U.S.C. 12101):
- 1) Missing ~~their~~his/her portion of the rent payment three times or more within an existing current lease period (late payments are not an immediate factor);
 - 2) Refusing to pay ~~their~~his/her portion of the rent as stipulated in the lease agreement;
 - 3) Refusing to allow or respond to requests for case management wellness visits (in-home, at alternative locations, or virtual) as deemed appropriate by the contracted Service Provider;
 - 4) Serious and repeated lease violations that pose a threat or serious hazard to other residents of the rental property;
 - 5) Convictions by a court of law for a felony offense;
 - 6) Failure to accept an offer for a permanent rental subsidy when one is made available;
 - 7) Receiving rental payments while residing in a unit owned by any family member of the tenant (unless DMH has determined and approved the rental of the unit as providing reasonable accommodations for a person with a disability);
 - 8) Subleasing the unit, assignment of the lease or transfer of the unit;
 - 9) Excessive and continuous damage to the unit or premises by the tenant or any guest to the unit or premises;

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- 10) Engaging in or allowing a guest to engage in any behavior that disturbs the peaceful and quiet enjoyment by others of the premises and the neighborhood;
 - 11) Engaging in or allowing a guest to engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises;
 - 12) Illegal possession or use of a firearm or aggravated assault weapon in violation of federal, State or local criminal or civil laws;
 - 13) Failure to complete an Annual Income Re-examination Review with the SA or PSH Provider; and
 - 14) Fraud, including falsifying income, unauthorized occupants in the housing unit, or deliberate failure to report changes in household composition that would affect program eligibility.
- b) If a termination occurs from PSH:
- 1) The tenant shall be responsible for 100% of the total rent amount as of the date that the final termination determination notice is released by the SA or PSH Provider and as authorized by DMH; and
 - 2) The SA shall inform the landlord in writing directly of the tenant's exit from PSH and the termination of rental payments.
- c) A tenant has the right to appeal a termination decision. The tenant or ~~their~~^{his/her} representative must submit a written notice for an appeal to DMH. This notice is to be received by DMH within 15 calendar days from receipt of the Bridge Subsidy or PSH termination letter. The notice must contain a clear statement disputing the reasons for termination. The notice is to be mailed to:
- Housing Coordinator
Department of Human Services-Division of Mental Health
122 S Michigan Avenue, 20th Floor ~~401 S. Clinton St.~~
Chicago IL 60603~~60607~~
- d) DMH will convene an appeal hearing within 15 days after receipt of the appeal notice. The appeal hearing committee members shall be composed of the DMH Housing Coordinator, the Deputy Director of Systems Rebalancing, or the Deputy

599 ~~Director of Community Programs~~
600 ~~Associate Deputy Director of Transition~~
601 ~~Coordination, Associate Deputy Director of Assessments~~ and the assigned SA or
602 PSH Provider.

- 603 e) The tenant and/or ~~their~~~~his/her~~ representative will be notified of the hearing by
604 phone and mail. At least three attempts at phone contact should be made to
605 ensure that the tenant and/or their representative are aware of the hearing. The
606 tenant or representative may be present to provide written or verbal objections to
607 the termination at the time of the hearing.
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609 f) DMH will issue its written determination decision to the tenant and/or
610 representative within two work days after the appeal hearing.
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612 g) Depending on the circumstances of termination, a former PSH tenant may reapply
613 for a Bridge Subsidy, when an open round becomes available, by submitting a
614 formal letter of request to the DMH Housing Coordinator, accompanied with a
615 letter of support from a State contracted Service Provider.
616

617 (Source: Amended at 47 Ill. Reg. _____, effective _____)